



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

Permit No. VPA00584

Effective Date: December 12, 2014  
Expiration Date: December 11, 2024

**AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE**  
**VIRGINIA POLLUTION ABATEMENT PERMIT**

**AND**

**THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the State Water Control Law and the Permit Regulation adopted pursuant thereto, the following owner is authorized to manage pollutants in conformity with the application, plans, specifications and supporting data submitted to the Department of Environmental Quality and other conditions set forth in this permit.

Owner: **Synagro Central, LLC**  
Permit Name: **Synagro Central, LLC – Industrial Residuals**

The authorized pollutant management shall be in accordance with this cover page, Part I - Monitoring Requirements and Special Conditions and Part II - Conditions Applicable to All VPA Permits, as set forth herein.

  
\_\_\_\_\_  
Deputy Regional Director  
Piedmont Regional Office

  
\_\_\_\_\_  
Date

During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to land apply industrial residuals and manage the pollutants thereof in accordance with 9VAC25-32-10 et seq. and the limitations, conditions and requirements set forth in this permit.

All industrial residuals samples shall be collected and analyzed in accordance with Title 40 of the Code of Federal Regulations, Parts 503 and 136. Analyses shall be conducted by a VELAP accredited environmental laboratory. The permittee shall ensure that all industrial residuals land applied in Virginia through this permit are monitored in accordance with the monitoring requirements in Part I.A.; however, the monitoring may be conducted by the generator of the industrial residuals and provided to the permittee for reporting purposes.

## A. LIMITATIONS AND MONITORING REQUIREMENTS

### 1. INDUSTRIAL RESIDUALS

- a. Metals Limitations – Pollutants in industrial residuals land applied under the authority of this permit shall be monitored and limited as specified below. Industrial residuals shall not be applied to the land if the concentration of any pollutant in the industrial residuals exceeds the ceiling limitation of that pollutant.

PARAMETERS <sup>(1)</sup>	PC / CPLR LIMITATIONS	CEILING LIMITATIONS	MONITORING REQUIREMENTS	
	Monthly Average (mg/kg) <sup>(2)</sup>	Maximum (mg/kg) <sup>(2)</sup>	Frequency	Sample Type
Total Arsenic	41	75	Part I.A.3	Composite
Total Cadmium	39	85	Part I.A.3	Composite
Total Copper	1,500	4,300	Part I.A.3	Composite
Total Lead	300	840	Part I.A.3	Composite
Total Mercury	17	57	Part I.A.3	Composite
Total Molybdenum	NL <sup>(3)</sup>	75	Part I.A.3	Composite
Total Nickel	420	420	Part I.A.3	Composite
Total Selenium	100	100	Part I.A.3	Composite
Total Zinc	2,800	7,500	Part I.A.3	Composite
Total Aluminum <sup>(4)</sup>	NL	NL	1/Year	Composite

NL = No limitations, monitor and report.

- (1) All constituents are subject to cumulative pollutant loading rates (CPLR), pollutant concentrations (PC), and ceiling limits. PC residuals contain the constituents identified above at concentrations below the monthly average specified in Part I.A.1. CPLR residuals contain the constituents identified above at concentrations above the monthly average and each sample must be below the maximum concentration specified in Part I.A.1. If the concentration of any of these constituents in residuals from any source exceeds the monthly average concentration, then the residuals from the source are subject to CPLR rules (Part I.A.1.b., Part I.C.3., and Part I.I.16.)
- (2) All limits and criteria are expressed on a dry weight basis.
- (3) The monthly average concentration for molybdenum is currently under study by USEPA. Research suggests that a monthly average Molybdenum concentration below 40 mg/kg may be appropriate to reduce the risk of copper deficiency in grazing animals
- (4) Aluminum monitoring is required for WTP residuals only. All water treatment plant residuals generated at a WTP that uses any aluminum based coagulant are subject to Aluminum monitoring and the tracking of the aluminum loading at each field on which WTP residuals are applied.

- b. Site Specific Metals Loading Limitations – If the concentration of any of these constituents in industrial residuals from any source exceeds the monthly average PC in Part I.A.1.a., and each individual sample is below the ceiling concentration, then the industrial residuals from the source are subject to CPLR rules and tracking (Part I.C.3. and Part I.G.18.) and the cumulative pollutant loading at each site shall be limited by the permittee as specified below :

PARAMETERS	LIMITATIONS		MONITORING REQUIREMENTS	
	Maximum CPLR <sup>(1)</sup>			
	(kg/ha) <sup>(2)(3)</sup>	(Lbs/Ac) <sup>(2)(3)</sup>	Frequency	Sample Type
Total Arsenic	41	36	Each application	Calculated
Total Cadmium	39	35	Each application	Calculated
Total Copper	1,500	1,340	Each application	Calculated
Total Lead	300	270	Each application	Calculated
Total Mercury	17	16	Each application	Calculated
Total Molybdenum	NL <sup>(4)</sup>	NL	Each application	Calculated
Total Nickel	420	375	Each application	Calculated
Total Selenium	100	89	Each application	Calculated
Total Zinc	2,800	2,500	Each application	Calculated
Total Aluminum <sup>(5)</sup>	4,570	4,113	Each Application	Calculated

NL = No Limitations, monitor and report.

- (1) The CPLR is the maximum cumulative application of trace elements that can be applied to soils used for crop production. The maximum cumulative application rate is limited for all ranges of cation exchange capacity due to soil background pH in Virginia of less than 6.5 S.U. and lack of regulatory controls of soil pH adjustment after application of industrial residuals ceases.
- (2) All limits and criteria are expressed on a dry weight basis.
- (3) No person shall apply bulk residuals subject to the CPLRs identified above to agricultural land, forest, a public contact site, or a reclamation site if any of the CPLRs identified above has been reached.
- (4) The maximum cumulative application for molybdenum is currently under study by USEPA. Research suggests that for molybdenum a cumulative pollutant loading rate below 40 kg/hectare may be appropriate to reduce the risk of copper deficiency in grazing animals.
- (5) All sites that receive WTP residuals containing aluminum are subject to the tracking of aluminum loading, regardless of concentration of aluminum in the residuals.

- c. Pathogen Reduction Requirements – Pathogen reduction requirements shall be met for all residuals land applied under this permit that are produced at an industrial facility where:

- Domestic sewage is comingled with the industrial wastewater in the industrial wastewater treatment facility;
- Meat or any other raw animal based product is processed;
- The process wastewater is required to be chlorinated prior to discharge; or
- Any activities occur which may contribute pathogens to the residuals.

These residuals shall be treated to meet at least one Pathogen Reduction Alternative as identified in the table below prior to delivery to the land application site. The industrial residuals shall be monitored and limited in accordance with the treatment options selected and used by the generator. The permittee will have a system in place to verify that all industrial residuals land applied under this permit meet these pathogen reduction standards and treatment requirements.

PATHOGEN REDUCTION ALTERNATIVE	PROCESS TO SIGNIFICANTLY REDUCE PATHOGENS (PSRP) OPTION	CLASS B PATHOGEN REDUCTION TREATMENT STANDARDS	MONITORING REQUIREMENTS
1	NA	<u>Fecal coliform monitoring: &lt;2,000,000 MPN/gm or &lt;2,000,000 CFU/gm, geometric mean of 7 samples (9VAC25-32-675.B.2.)</u>	Part I.A.3. <sup>(1)</sup>
2	1	PSRP: Aerobic Digestion: Sludge mean cell residence time from 40 days at 20°C to 60 days at 15°C (9VAC25-32-675.D.1.)	(2)
2	2	PSRP: Air dry in a drying bed for three months. Ambient average daily temperature must be above 0°C for 2 of the 3 months (9VAC25-32-675.D.2.)	(2)
2	3	PSRP: Anaerobic digestion for a mean cell residence time between 15 days at 35°C - 55°C up to 60 days at 20°C. (9VAC25-32-675.D.3.)	(2)
2	4	PSRP: Composting at 40°C or above for 5 or more days, maintaining > 55°C for 4 consecutive hours during the 5 days (9VAC25-32-675.D.4.)	(2)
2	5	PSRP: Sufficient lime is added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact. (9VAC25-32-675.D.5.)	(2)
3	PROCESS AS APPROVED	Process equivalent to PSRP: PROCESS AS APPROVED (9VAC25-32-675 B.4.)	(2)

NA = Not applicable

- (1) Between sampling events, operating records must demonstrate that the Wastewater Treatment Plant (WWTP) is operating at a performance level known to meet pathogen reduction standards.
- (2) Process monitoring must be sufficient to demonstrate compliance with PSRP treatment requirements.

d. Vector Attraction Reduction (VAR) Requirements – VAR requirements shall be met for all residuals land applied under this permit that are produced at an industrial facility where:

- Domestic sewage is comingled with the industrial wastewater in the industrial wastewater treatment facility;
- Meat or any other raw animal based product is processed; or
- The process wastewater is required to be chlorinated prior to discharge.

These residuals shall be treated to meet at least one VAR Option 1 - 8 as identified in the table below prior to delivery to the land application site or VAR Options 9 or 10 must be performed at the land application site. The industrial residuals shall be monitored and limited in accordance with the treatment options selected and used by the generator. The permittee will have a system in place to verify that all industrial residuals land applied under this permit meet these vector attraction reduction standards and treatment requirements.

Residuals that do not meet the criteria above must meet the requirements in Part I.H.3.

VAR OPTION	VECTOR ATTRACTION REDUCTION TREATMENT STANDARD	MONITORING REQUIREMENTS
1	38% Reduction of volatile solids by digestion (9VAC25-32-685.B.1.)	Part I.A.3. <sup>(1)</sup>
2	When 38% reduction is not achieved by anaerobic digestion, 40 day bench study at temperatures between 30°C and 37°C to demonstrate further reduction of volatile solids <17%. (9VAC25-32-685.B.2.)	Part I.A.3. <sup>(1)</sup>
3	When 38% reduction is not achieved by aerobic digestion, 30 day bench study at 20°C to demonstrate further reduction of volatile solids <15%. (9VAC25-32-685.B.3.)	Part I.A.3. <sup>(1)</sup>
4	Specific Oxygen Uptake Rate of ≤ 1.5 mg O <sub>2</sub> /hour/gram total solids at 20°C (aerobically processes sludge) (9VAC25-32-685.B.4.)	Part I.A.3. <sup>(1)</sup>
5	14 day aerobic process, temperatures above 40°C with an average temperature of >45°C. (9VAC25-32-685.B.5.)	(2)
6	Sufficient lime is added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact and maintain a pH of 11.5 S.U. or higher for an additional 22 hours. (9VAC25-32-685.B.6.)	(2)
7	Where industrial residuals do not contain unstabilized solids from primary wastewater treatment, the percent solids of the industrial residuals shall be ≥ 75% (9VAC25-32-685.B.7.)	Part I.A.3. <sup>(1)</sup>
8	Where industrial residuals contain unstabilized solids from primary wastewater treatment, the percent solids of the industrial residuals shall be ≥ 90% (9VAC25-32-685.B.8.)	Part I.A.3. <sup>(1)</sup>
9	Sewage Sludge shall be injected below the surface of the land. (9VAC25-32-685.B.9.)	NA
10	Sewage sludge land applied shall be incorporated into the soil within 6 hours after application. (9VAC25-32-685.B.10.)	NA

NA = Not applicable

(1) Between sampling events, operating records must demonstrate that the WWTP is operating at a performance level known to meet the VAR standards.

(2) Process monitoring must be sufficient to demonstrate compliance with VAR treatment requirements.

- e. Industrial Residuals Characteristics – Industrial residuals that are land applied under the authority of this permit shall be monitored and limited as specified below:

PARAMETERS	LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Average	Minimum and Maximum	Frequency	Sample Type
Percent Solids (%)	NL	NA	Part I.A.3.	Composite
Volatile Solids (%)	NL	NA	Part I.A.3.	Composite
Total Kjeldahl Nitrogen (mg/kg) <sup>(1)</sup>	NL	NA	Part I.A.3.	Composite
Ammonium Nitrogen (mg/kg) <sup>(1)</sup>	NL	NA	Part I.A.3.	Composite
Nitrate Nitrogen (mg/kg) <sup>(1)</sup>	NL	NA	Part I.A.3.	Composite
Total Phosphorus (mg/kg) <sup>(1)</sup>	NL	NA	Part I.A.3.	Composite
Total Potassium (mg/kg) <sup>(1)</sup>	NL	NA	Part I.A.3.	Composite
Total Chloride (mg/kg) <sup>(1)</sup>	NL	NA	Part I.A.3.	Composite
Total Sodium (mg/kg) <sup>(1)</sup>	NL	NA	Part I.A.3.	Composite
pH (S.U.)	NA	NL	Part I.A.3.	Composite
Alkalinity as CaCO <sub>3</sub> (mg/kg) (If lime by weight is less than 10%)	NL	NA	Part I.A.3.	Composite
CCE as CaCO <sub>3</sub> (%) (If lime by weight is 10% or more)	NL	NA	Part I.A.3.	Composite

NL = No Limit, monitor and report

NA = Not applicable

(1) Expressed on a dry weight basis.

- f. Nutrient Loading Rates – Nutrient loading rates shall be calculated for each source of industrial residuals land applied and each application of industrial residuals to an application site as follows:

PARAMETERS	LIMITATIONS		MONITORING REQUIREMENTS	
	Lbs/Dry Ton	Lbs/Ac	Frequency	Sample Type
Plant Available Nitrogen (PAN)	NL	(1)	Each application	Calculated
Phosphate (P <sub>2</sub> O <sub>5</sub> )	NL	(1)	Each application	Calculated

NL = No Limit, monitor and report

(1) The site application loading rate shall not exceed the loading rate specified in the nutrient management plan (NMP).

## 2. SOIL

- a. Where the residuals to be applied have a sodium concentration  $\leq 0.5\%$ , the soil at each site of application shall be monitored by the permittee as specified below.

PARAMETERS <sup>(a)</sup>	LIMITATIONS <sup>(b)</sup>	MONITORING REQUIREMENTS	
		Frequency <sup>(c)</sup>	Sample Type <sup>(d)</sup>
Soil pH (S.U.)	NL	Prior to industrial residuals application <sup>(1)</sup>	Composite
Cation Exchange Capacity (meq/100 g)	NL	Prior to industrial residuals application	Composite
Available Phosphorus (Mehlich I - P) <sup>(2)</sup> (ppm)	NL	Prior to industrial residuals application	Composite
Extractable Potassium (Mehlich I - K) <sup>(3)</sup> (ppm)	NL	Prior to industrial residuals application	Composite
Zinc (mg/kg)	NL	Prior to industrial residuals application	Composite
Manganese (mg/kg)	NA	Prior to industrial residuals application	Composite
Exchangeable Calcium (mg/kg) <sup>(4)</sup>	NL	Prior to industrial residuals application	Composite
Exchangeable Magnesium (mg/kg) <sup>(4)</sup>	NL	Prior to industrial residuals application	Composite
Exchangeable Sodium (mg/kg) <sup>(4)</sup>	NL	Prior to industrial residuals application	Composite

NL = No Limit, monitoring required

- (1) For industrial residuals with a cadmium concentration greater than or equal to 21 mg/kg the soil pH sample must be less than 1 year old.
- (2) Available Phosphorus shall be analyzed using Mehlich I or Mehlich III analytical procedure. If sample is analyzed using Mehlich III, results shall be converted to Mehlich I for reporting purposes.
- (3) Extractable Potassium shall be analyzed using Mehlich I analytical procedure or equivalent. If sample is analyzed using an equivalent procedure, results shall be converted to Mehlich I for reporting purposes.
- (4) Methods of analysis for electrical conductivity and exchangeable calcium, magnesium and sodium shall be those contained in the latest edition of Methods of Soil Analysis published by the Soil Science Society of America.

- (a) All parameters except for pH shall be monitored on a dry weight basis.
- (b) Results of the soil monitoring specified above shall be used to develop the NMP in accordance with Part I.D.2.
- (c) No sample analysis used to determine application rates shall be more than 3 years old at the time of the industrial residuals land application.
- (d) Soil samples shall be collected and analyzed in accordance with regulations promulgated under § 10.1-104.2 of the Code of Virginia and as outlined in the industrial Residuals Management Plan.

## SOIL continued

- b. Where soils other than sands or loamy sands are present and the residuals to be applied have a sodium concentration >0.5%, the soil at each site of application shall be monitored by the permittee as specified below.

PARAMETERS	LIMITATIONS	MONITORING REQUIREMENTS	
		Frequency	Sample Type
Soil pH (S.U.)	NL	Prior to industrial residuals application <sup>(1)</sup>	Composite
Cation Exchange Capacity (meq/100 g)	NL	Prior to industrial residuals application	Composite
Available Phosphorus (Mehlich I - P) <sup>(2)</sup> (ppm)	NL	Prior to industrial residuals application	Composite
Extractable Potassium (Mehlich I - K) <sup>(3)</sup> (ppm)	NL	Prior to industrial residuals application	Composite
Zinc (mg/kg)	NL	Prior to industrial residuals application	Composite
Manganese (mg/kg)	NA	Prior to industrial residuals application	Composite
Exchangeable Calcium (meq/l) <sup>(4)</sup>	NL	Prior to and after industrial residuals application <sup>(5)</sup>	Composite
Exchangeable Magnesium (meq/l) <sup>(4)</sup>	NL	Prior to and after industrial residuals application <sup>(5)</sup>	Composite
Exchangeable Sodium (meq/l) <sup>(4)</sup>	NL	Prior to and after industrial residuals application <sup>(5)</sup>	Composite
Electrical conductivity (dS/m) <sup>(4)</sup>	NL	Prior to and after industrial residuals application <sup>(5)</sup>	Composite
Sodium Adsorption Ratio (SAR)	NL	Prior to and after industrial residuals application <sup>(5)</sup>	Calculated <sup>(6)</sup>

NL = No Limit, monitoring required

- (1) For industrial residuals with a cadmium concentration greater than or equal to 21 mg/kg the soil pH sample must be less than 1 year old.
- (2) Available Phosphorus shall be analyzed using Mehlich I or Mehlich III analytical procedure. If sample is analyzed using Mehlich III, results shall be converted to Mehlich I for reporting purposes.
- (3) Extractable Potassium shall be analyzed using Mehlich I analytical procedure or equivalent. If sample is analyzed using an equivalent procedure, results shall be converted to Mehlich I for reporting purposes.
- (4) Methods of analysis for electrical conductivity and exchangeable calcium, magnesium and sodium shall be those contained in the latest edition of Methods of Soil Analysis published by the Soil Science Society of America.
- (5) Monitoring shall be conducted prior to land application and within 4 weeks after land application. Part I.G.2.c. identifies alternate monitoring.
- (6) SAR shall be calculated as follows:

$SAR = \frac{[Na^+]}{\sqrt{\frac{1}{2}([Ca^{2+}] + [Mg^{2+}])}}$	<p>Where:</p> <p>SAR = sodium adsorption ratio</p> <p>[Na+] = measured exchangeable sodium in soil (meq/l)</p> <p>[Ca2+] = measured exchangeable calcium in soil (meq/l)</p> <p>[Mg2+] = measured exchangeable magnesium in soil (meq/l)</p>
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- (a) All parameters except for pH shall be monitored on a dry weight basis.
- (b) Results of the soil monitoring specified above shall be used to develop the NMP in accordance with Part I.D.2.
- (c) No sample analysis used to determine application rates shall be more than 3 years old at the time of the industrial residuals land application.
- (d) Soil samples shall be collected and analyzed in accordance with regulations promulgated under § 10.1-104.2 of the Code of Virginia and as outlined in the Industrial Residuals Management Plan.



3. **FREQUENCY OF MONITORING** – The frequency of monitoring for each industrial residuals source is based on the amount of bulk industrial residuals from that source applied to the land, as indicated in the table below:

Amount of industrial residuals land applied (dry tons per 365-day period)	Frequency
Greater than zero but less than 320	Once per year
Equal to or greater than 320 but less than 1,653	Once per quarter (four times per year)
Equal to or greater than 1,653 but less than 16,535	Once per 60 days (six times per year)
Equal to or greater than 16,535	Once per month (12 times per year)

WTP residuals shall be monitored once per year.

## B. REPORTING REQUIREMENTS

1. Monthly Reporting – The permittee shall submit industrial residuals monitoring data, the generator notice and necessary information (NANI), and a monthly activity report to the Department of Environmental Quality (DEQ)-Piedmont Regional Office and a copy of the report to the DEQ Office of Land Application by the 15th day of each month (as evidenced by the transmission date or postmark), for land application activities that occurred in the previous calendar month. If the report is submitted electronically, then the sender must include the attestation statement in Part I.B.1.d. that the transmitted documents are being submitted under his/her signature. If no land application occurs under this permit during a calendar month, a report shall be submitted stating that no land application occurred.
  - a. Industrial Residuals Monitoring Data – The following data shall be submitted with the monthly report:
    - (1) The facility name and, if applicable, the Virginia Pollution Discharge Elimination System (VPDES) permit number for all in-state sources of industrial residuals and National Pollution Discharge Elimination System (NPDES) or state permit number for out-of-state sources of industrial residuals land applied during the previous month;
    - (2) The results of the monitoring specified in:
      - (a) Part I.A.1.a Industrial Residuals – Metals Limitations;
      - (b) Part I.A.1.b Industrial Residuals – Site Specific Metals Loading Limitations;
      - (c) Part I.A.1.e Industrial Residuals – Industrial Residuals Characteristics;
      - (d) Part I.A.1.f Industrial Residuals – Nutrient Loading Rates; and
      - (e) Part I.A.2. Soil
    - (3) Monitoring data required by Part I.B.1.a.(2) shall be submitted in the format provided in the Industrial Residuals Monitoring Report. Supporting documentation, including laboratory chain of custody forms and certificates of analyses, shall be submitted with the report;
    - (4) Monthly average shall be reported as the average of the results of all samples collected within a calendar month and analyzed using an approved method, in accordance with Part II.C.3-4 of this permit. For monitoring periods which include multiple months, if one sample is collected during the monitoring period, that result shall be reported as the monthly average. If samples are collected in different months during the monitoring period, each monthly average shall be calculated and the highest monthly average reported. Individual results and calculations shall be submitted with the report; and
    - (5) The maximum concentration shall be reported as the highest single result from all samples collected and analyzed during a monitoring period.
  - b. Generator NANI – For industrial residuals that are required to meet pathogen reduction and VAR standards in Part I.A, when the permittee receives such residuals, the permittee shall obtain a NANI from the generator no later than 30 days after the last day of the month in which the industrial residuals were received. The Permittee shall submit the NANIs received with the next monthly report. The NANI shall include at minimum:
    - (1) A statement that Class B pathogen requirements in 9VAC25-32-675.B were met and the alternative used;
    - (2) A statement that one of the VAR requirements in 9VAC25-32-685.B.1 through B.8 was met and the alternative used; or
    - (3) A statement that one of the VAR requirements in 9VAC25-32-685.B.1 through B.8 was not met and incorporation or injection was required;
    - (4) The notice(s) provided to the land applier when industrial residuals provided did not meet VAR and required incorporation or injection;
    - (5) The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Class B pathogen requirements in 9VAC25-32-675.B and the VAR requirement in (insert one of the VAR requirements in 9VAC25-32-685.B.1 through B.8, if one of those requirements is met) was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification, including the possibility of fine and imprisonment".

- c. Monthly Activity Report – The monthly activity report shall include the following information:
- (1) Name of Permittee and DEQ permit number;
  - (2) Dates of activities;
  - (3) Identification of land application site(s), including the DEQ control number for the site(s) and the county where taxes are remitted;
  - (4) The source of industrial residuals and field area (reported to the nearest 0.1 acres) receiving those industrial residuals;
  - (5) The amount of industrial residuals applied in dry tons and the method and calculations used to determine the reported value. Dry ton values for individual applications shall be reported to the nearest 0.01 dry tons. The grand total of all industrial residuals land applied during the reporting period may be rounded up to the nearest whole ton;
  - (6) WTP Residuals Loading - for each application of WTP Residuals to an application site, the concentration of aluminum (as pounds per dry ton) in the WTP Residuals and the amount of aluminum (as pounds per acre) applied to the site from the WTP Residuals;
  - (7) A summary list of the total amount of industrial residuals applied;
  - (8) The name of a responsible official or authorized representative of the permittee and a statement signed and dated by that responsible official or authorized representative indicating that the information submitted has been verified by that responsible official or authorized representative as correctly reported, in accordance with the Part II.K.
- d. Electronic Submittal Attestation Statement – When submitting a report via email, the following statement shall be included in the email.

*I, representative official's or authorized representative's name, hereby declare that I am submitting the attached documents under my signature for the purposes of compliance with the reporting requirements of VPA Permit number(s) VPA0XXX. With the transmission of this email, I attest that the above statement is true and valid to the best of my knowledge.*

2. Annual Report – The permittee shall submit an Annual Report not later than February 19th of each year to the DEQ-Piedmont Regional Office. Each report is for the previous calendar year's activity. If no land application occurs under this permit during a calendar month, a report shall be submitted stating that no land application occurred. The report shall include at minimum:
- a. A summary of industrial residuals disposal contracts currently held with generators, as well as any other industrial residuals or sludges currently being handled through subcontracts or other agreements;
  - b. A summary of approved industrial residuals storage facilities including the capacity at each facility which is dedicated for a particular industrial residuals and the amount of remaining storage capacity;
  - c. A summary of any land application sites where the application was ongoing at the end of the reporting year, including the date of last application, including acreage completed and acreage remaining;
  - d. The total acreage of permitted land application sites available for use in the next calendar year; and
  - e. Monitoring and testing data or process control data that demonstrate compliance with pathogen reduction and VAR requirements for out of state sources of industrial residuals land applied during the previous calendar year.
  - f. Any industrial residuals monitoring data required by Part I.A. that were not submitted during the reporting calendar year.
  - g. The annual report shall be certified and signed in accordance with Part II.K.

## C. RECORD KEEPING REQUIREMENTS

1. Records Retention – The permittee shall retain records of all industrial residuals, WTP residuals and land application activity for a period of at least 5 years from the date of the sample, measurement, report or application, unless otherwise specified in this permit. This period of retention may be extended by request of the Board at any time. Records to be retained include:
- a. Monitoring information required in Part I.A;
  - b. Reports required in Part I.B;
  - c. Records required below in Part I.C.2 – Part I.C.3;
  - d. Site Operator Notification and Information as required in Part I.E.6;

- e. Certified Land Applicator Field Log as required in Part I.H.8.c; and
  - f. Any other information pertaining to industrial residuals, WTP residuals and land application, including all calibration and maintenance records, as well as records of all data used to complete the application for this permit.
2. PC Industrial Residuals Record Keeping – Records shall include:
- a. A description of how the management practices in 9VAC25-32-560 are met on each site on which bulk industrial residuals is applied;
  - b. A description of how the site restrictions in 9VAC25-32-675.B.5 are met for each site on which bulk industrial residuals is applied;
  - c. A description of how the VAR requirement is met if incorporation or injection are used to meet VAR;
  - d. The date bulk industrial residuals is applied to each site; and
  - e. The following certification statement:  
*"I certify, under penalty of law, that the information that will be used to determine compliance with the management practices in 9VAC25-32-560, the site restrictions in 9VAC25-32-675.B.5, and the VAR requirements in (insert either 9VAC25-32-685.B.9 or B.10, if one of those requirements is met) was prepared for each site on which bulk industrial residuals is applied under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."*
3. CPLR Industrial Residuals Record Keeping – For sites where CPLR industrial residuals are land applied the permittee shall develop the following information and retain the information in subsections Part I.C.3.a through Part I.C.3.f indefinitely and retain the information in subsections Part I.C.3.g through Part I.C.3.m for 5 years.
- a. The DEQ control number of each site on which bulk industrial residuals is applied;
  - b. The number of acres in each site on which bulk industrial residuals is applied;
  - c. The date bulk industrial residuals are applied to each site;
  - d. The cumulative amount of each pollutant (i.e., kilograms) listed in Table 2 of 9VAC25-32-356 in the bulk industrial residuals applied to each site, including the amount in 9VAC25-32-313.F.2.;
  - e. The amount of industrial residuals (i.e., dry tons) applied to each site;
  - f. The following certification statement:  
*"I certify, under penalty of law, that the information that will be used to determine compliance with the requirements to obtain information in 9VAC25-32-313.F.2 was prepared for each site on which bulk industrial residuals is applied under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including fine and imprisonment."*
  - g. A description of how the requirements to obtain information in 9VAC25-32-313.F.2 are met;
  - h. The following certification statement:  
*"I certify, under penalty of law, that the information that will be used to determine compliance with the management practices in 9VAC25-32-313.B and 9VAC25-32-560 was prepared for each site on which bulk industrial residuals is applied under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including fine and imprisonment.";*
  - i. A description of how the management practices in 9VAC25-32-560 are met for each site on which bulk industrial residuals is applied;
  - j. The following certification statement when the bulk industrial residuals meet the Class B pathogen requirements in 9VAC25-32-675.B:  
*"I certify, under penalty of law, that the information that will be used to determine compliance with the site restrictions in 9VAC25-32-675.B.5 was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including fines and imprisonment."*
  - k. A description of how the site restrictions in 9VAC25-32-675.B.5 are met for each site on which Class B bulk industrial residuals is applied;

1. The following certification statement when the VAR requirement in either 9VAC25-32-685.B.9 or B.10 is met:

*"I certify, under penalty of law, that the information that will be used to determine compliance with the VAR requirement in (insert either 9VAC25-32-685.B.9 or B.10) was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.";* and

- m. If the VAR requirements in either 9VAC25-32-685.B.9 or B.10 are met, a description of how the requirements are met.

#### D. INDUSTRIAL RESIDUALS MANAGEMENT PLAN (IRMP)

1. IRMP – The permittee shall implement and maintain a IRMP which consists of the following components:
  - a. The materials, including site booklets, developed and submitted at the time of permit application or permit modification to add a farm or land application site to the permit in accordance with 9VAC25-32-60.F;
  - b. A NMP developed for each site prior to industrial residuals application;
  - c. An Operations and Maintenance (O&M) Manual; and
  - d. An Odor Control Plan.

The IRMP and all of its components are an enforceable part of the permit.

2. NMP Requirement – A NMP shall be developed for each land application site prior to industrial residuals application. A copy of the NMP shall be present at the land application site during land application operations and available for review by DEQ staff. A copy of the NMP shall be submitted to the DEQ – Piedmont Regional Office upon request. Within 30 days after land application at the site has commenced, the permittee shall provide a copy of the NMP to the farm operator of the site, the Department of Conservation and Recreation (DCR) and the chief executive officer or designee for the local government where land application of industrial residuals is to occur, unless they request in writing not to receive the NMP.

The NMP shall be prepared or revised by a certified nutrient management planner as stipulated in 4VAC5-15-10 et seq. The NMP shall be written in accordance with the criteria stipulated in 4VAC5-15-10 et seq.

The NMP must be approved by DCR prior to land application for application sites where the soil test phosphorus levels exceed the values in Table 1 of this section. For purposes of approval, permittees should submit the NMP to DCR at least 30 days prior to the anticipated date of land application to ensure adequate time for the approval process.

Table 1: Soil Phosphorus Levels Requiring NMP Approval	
REGION	SOIL TEST P (ppm) (Mehlich I - VPI & SU Test)*
Eastern Shore and Lower Coastal Plain	135
Middle and Upper Coastal Plain and Piedmont	136
Ridge and Valley	162
*If results are from another laboratory, DCR approved conversion factors must be used.	

All NMPs shall account for all sources of nutrients to be applied to the site. If the application rate has been determined using the phosphorus index and that rate is dependent upon setback distance to stream or riparian buffer width greater than the required setback distance in Part I.G.15.a., the phosphorus index calculations shall be included in the NMP. The extended setback distance required by the NMP shall be an enforceable part of the permit.

Where the following conditions exist, permit modification requests shall include an NMP that has been approved by the DCR and a copy of the approval letter:

- a. The proposed site is operated by an owner or lessee of a confined animal feeding operation or a confined poultry feeding operation, as defined in subsections A of §62.1-44.17:1 and 62.1-44.17:1:1 of the Code of Virginia;
- b. The land application of industrial residuals is to be performed more frequently than once every three years at greater than 50% of the annual agronomic rate;
- c. Mined or disturbed land sites where land application is proposed at greater than agronomic rates;
- d. The proposed site is included in a VPA or VPDES permit authorizing land application of biosolids; or
- e. The site-specific conditions increase the risk that land application may adversely impact state waters.

When conditions at the land application site change so that it meets one or more of the specific conditions identified in Part I.D.2.a – 2.e, an approved NMP shall be submitted prior to any subsequent land application at the site.

- 3. O&M Manual Requirement – If an up-to-date O&M Manual is not on file at DEQ, an updated O&M Manual shall be submitted to DEQ within 90 days of the effective date of this permit. The permittee shall conduct all industrial residuals use or disposal activities in accordance with the O&M Manual. Any proposed changes in industrial residuals use or disposal practices or procedures followed by the permittee shall be documented and submitted to DEQ within 90 days of the effective date of the changes. The O&M Manual shall include at a minimum:
  - a. A copy of the permit;
  - b. Spill response, remediation and reporting procedures for offsite spills, including telephone numbers for immediate reporting to the DEQ-Piedmont Regional Office;
  - c. Staff responsibilities on the land application site, including duties of the certified land applier in charge and procedures to be followed if he must leave the site;
  - d. Schedules, procedures, and recordkeeping instructions for equipment maintenance and calibration;
  - e. Voucher system forms and recordkeeping instructions;
  - f. Schedules, procedures, and recordkeeping instructions for storage facility maintenance;
  - g. Sampling schedules for:
    - (1) Required monitoring, including a list of required minimum tests; and
    - (2) Operational control testing;
  - h. Sample collection, preservation, and analysis procedures, including selection of sample locations, and laboratories and methods used; and
  - i. Instructions for recording and reporting of all monitoring activities;
  - j. Instructions for maintaining the Certified Land Applier's Operator Field Log and minimum information to record, including:
    - (1) Site location,
    - (2) Date, arrival and departure times,
    - (3) The names of any inspectors or visitors to the site;
    - (4) Complaints received; and
    - (5) Any unusual condition or event, such as unusual odor, spill, accident, etc. The field log shall be available for inspection by DEQ.
- 4. Odor Control Plan (OCP) Requirement – If an OCP for the Permittee or any generator of industrial residuals identified in the permit application or currently authorized to be land applied under this permit is not on file at DEQ, an OCP shall be submitted to DEQ within 90 days of the modification/effective date of this permit.
  - a. Land Applier OCP shall include at a minimum:
    - (1) Methods used to identify and abate malodorous industrial residuals in the field prior to land application; and
    - (2) Methods used to abate malodorous industrial residuals if land applied.
    - (3) Procedures for informing the generator of odor issues and complaints;
  - b. Each generating facility's OCP shall include at a minimum:
    - (1) Methods used to minimize odor in producing industrial residuals;
    - (2) Methods used to identify malodorous industrial residuals before delivery to the land applier (at the generating facility);

- (3) Methods used to identify and abate malodorous industrial residuals if delivered to the field, prior to land application;
- (4) Methods used to abate malodor from industrial residuals if land applied; and
- (5) Generator's contact information for reporting odor issues and complaints.

5. Permittee Industrial Residuals Sources List.

- a. For a source that is identified as approved on the DEQ Sources List, but not identified in the Permittee's IRMP, at least 30 days prior to the staging, storage or land application of any such industrial residuals, the permittee shall submit to the DEQ-Piedmont Regional Office and Central Office:
  - (1) An amended list of industrial residuals sources, including the generator's legal name and VPDES, NPDES or state permit number, facility location and source of industrial residuals; and
  - (2) The industrial residuals generator's OCP, if not on file at DEQ.
- b. For a source that is not on the DEQ Approved Source List, the permittee shall submit the following to the DEQ – CO, and the source shall be approved prior to the staging, storage or land application of any such industrial residuals:
  - (1) VPA Permit Application Form C, Industrial Sludge Characterization;
  - (2) VPA Permit Application Form D-V, Non-Hazardous Declaration, completed and signed by the generator;
  - (3) Monitoring data or process control data as needed to demonstrate compliance with pathogen reduction and vector attraction reduction standards.
  - (4) The industrial residuals generator's OCP.
- c. The complete list of sources will become part of the IRMP.

E. NOTIFICATIONS

- 1. 100 Day Notification – At least 100 days prior to commencing the first land application of industrial residuals at a permitted site, the permittee shall deliver or cause to be delivered written notification to the chief executive officer or designee for the local government where the site is located. This requirement may be satisfied by DEQ's notice to the local government at the time of receiving the permit application if all necessary information is included in the notice or by providing a list of available permitted sites in the locality at least 100 days prior to commencing the application at any site on the list. If the site is located in more than one county, the information shall be provided to all jurisdictions where the site is located.
- 2. 14 Day Notification – At least 14 days prior to commencing land application of industrial residuals at a permitted site, the permittee shall deliver or cause to be delivered written notification to DEQ and the chief executive officer or designee for the local government where the site is located unless they request in writing not to receive the notice. The notice shall identify the location of the permitted site and the expected sources of the industrial residuals to be applied to the site.
- 3. Sign Posting – At least five business days prior to delivery of industrial residuals for land application on any site permitted for application under this permit, the permittee shall post signs at the site that comply with this section, are visible and legible from the public right-of-way in both directions of travel, and conform to the specifications herein. The sign shall remain in place and be maintained by the permittee for at least five business days after land application has been completed at the site, and the permittee shall not remove the signs until at least 30 days after land application has been completed at the site.

The sign shall be posted at or near the intersection of the public right-of-way and the main site access road or driveway to the site used by the industrial residuals transport vehicles. In addition, if the field is located adjacent to a public right-of-way, at least one sign shall be posted along each public road frontage beside the field to which industrial residuals are to be land applied.

The sign shall be made of weather-resistant materials and shall be sturdily mounted so as to be capable of remaining in place and legible throughout the period that the sign is required at the site. Signs required by this section shall be temporary, nonilluminated, and four square feet or more in area, and only contain the

following information:

- a. A statement that industrial residuals are being land-applied at the site;
- b. The name of the permittee;
- c. The telephone number of an individual designated by the permittee to respond to complaints and inquiries; and
- d. Contact information for DEQ, including a telephone number for complaints and inquiries.

From the time of posting until five business days after land application has been completed, the permittee shall make a good faith effort to replace or repair any sign that has been removed from a land application site or that has been damaged so as to render any of its required information illegible.

4. Notification of Sign Posting – Not more than 24 hours after posting signs at the land application site as required in Part I.E.3, the permittee shall deliver or cause to be delivered written notification to DEQ-Piedmont Regional Office and the chief executive officer or designee for the local government where the site is located, unless they request in writing not to receive the notice. Notice shall include the following:
  - a. The name of the permittee, the name of a representative of the permittee knowledgeable about the permit and the telephone number of the permittee;
  - b. The location where the land application will take place, including the tax map number and the DEQ control number for sites on which land application is to take place;
  - c. The name or title and telephone number of at least one individual designated by the permittee to respond to questions and complaints related to the land application project, if not the permittee identified in Part I.F.4.a;
  - d. The approximate dates on which land application is to begin and end at the site; and
  - e. The name, address and telephone number of the wastewater treatment facility, or facilities, from which the industrial residuals will originate, including the name or title of a representative of the treatment facility that is knowledgeable about the land application operation.
5. 24 Hour Notification – Not more than 24 hours prior to commencing land application activities, including delivery of industrial residuals at a permitted site, the permittee shall notify in writing DEQ and the chief executive officer or designee for the local government where the site is located, unless they request in writing not to receive the notice. This notification shall include identification of the industrial residuals source and shall include only sites where land application activities will commence within 24 hours or where industrial residuals will be staged within 24 hours.
6. Site Operator Notification and Information – The permittee shall provide to the operator of the land application site that receives industrial residuals notification and information as required by 9VAC25-32-313.I. The notification shall include at minimum:
  - a. A statement that industrial residuals land applied meet Class B pathogen reduction; and
    - (1) VAR requirements 1 through 8; or
    - (2) VAR requirements 9 or 10, requiring incorporation or injection;
  - b. A statement that metals concentrations in the industrial residuals applied to the site were below the pollution concentration or that they are CPLR industrial residuals and loading will be tracked;
  - c. When the industrial residuals molybdenum concentration is 40 mg/kg or higher, a notice which includes the molybdenum concentration and a statement that research suggests that a monthly average molybdenum concentration below 40 mg/kg may be appropriate to reduce the risk of copper deficiency in grazing animals; and
  - d. The list of site access restrictions required for Class B industrial residuals.

#### F. TRANSPORT

1. Transport routes shall avoid residential areas whenever possible and shall comply with all Virginia Department of Transportation requirements and standards.
2. Transport vehicles shall be sufficiently sealed to prevent leakage and spillage of industrial residuals. For industrial residuals with a solids content of less than 15%, totally closed watertight transport vehicles with



rigid tops shall be provided to prevent spillage unless adequate justification is provided to DEQ demonstrating that such controls are unnecessary prior to transport. DEQ may also require certain dewatered industrial residuals exceeding 15% solids content to be handled as liquid industrial residuals.

3. The permittee shall take appropriate steps to prevent drag-out and track-out of dirt and debris or industrial residuals from land application sites onto public roads. Where material is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly as soon as practicable, but no later than the end of each day.
4. The permittee shall be responsible for the prompt cleanup and removal of industrial residuals spilled during transport to the land application site or to or from a storage facility. Procedures used for spill prevention during transport and cleanup and removal of spills shall be conducted in accordance with the IRMP. The permittee shall ensure that its personnel, subcontractors or the drivers of vehicles transporting industrial residuals for land application shall be properly trained in procedures for spill removal and cleanup.
5. The permittee shall promptly report offsite spills to DEQ, the chief executive officer or designee for the local government jurisdiction in which the spill occurred and the owner of the facility generating the industrial residuals. The report shall be made verbally as soon as possible, but no later than 24 hours after the discovery of the spill. After business hours notification may be provided by voicemail, facsimile or email.

A written report, which shall include a description of measures taken in response to the spill, shall be submitted by the permittee to DEQ, the chief executive officer or designee for the local government and the owner of the facility generating the industrial residuals within five working days of the spill. The report may be sent by first class mail, facsimile or email, or it may be hand delivered.

## G. FIELD OPERATIONS

1. Industrial sludges shall not be staged overnight.
2. Land application of high sodium residuals:
  - a. Where soils monitoring in accordance with Part I.A.2.b of this permit indicates that electrical conductivity of soils at an application site exceeds 3.0 dS/m and vegetation grown at the site is not salt tolerant, the permittee shall submit an action plan to correct the effects of salinity on the site vegetation.
  - b. Where soils monitoring in accordance with Part I.A.3 of this permit indicates that the electrical conductivity ( $EC_s$ ) of the soils exceeds the following thresholds for the corresponding SAR ranges of those soils, the permittee shall submit an action plan to correct the effects of sodium on the infiltration rate and hydraulic conductivity of the soils:

Application sites used for agricultural crop production

SAR	EC <sub>s</sub> (dS/m)
0 to 3	<0.2
3 to 6	<0.25
6 to 12	<0.35
12 to 20	<0.9
20+	<1.8

Application sites used for turf production

SAR	EC <sub>s</sub> (dS/m)
0 to 3	<0.2
3 to 6	<0.3
6 to 12	<0.5
12 to 20	<1.3
20+	<2.9

- c. DEQ may reduce soils monitoring requirements of Part I.A.2.b or require, instead, soils monitoring in accordance with Part I.A.2.a. where field or greenhouse tests have been performed demonstrating that:

- (1) The residuals do not inhibit growth or reduce productivity of, or in any other way harm the vegetation to which they are applied, and
- (2) The residuals do not alter the infiltration rate or hydraulic conductivity of the soils to which they are applied.

Such field or greenhouse tests will employ representative tolerant and sensitive plants with characteristics similar to the vegetation on which the residuals will be applied. These plants will be grown with varying soil types representative of those on which the residuals will be land applied and subject to various environmental conditions as necessary. If there are modifications to the process or chemicals used in producing the residuals that result in changes to the composition of the residuals, the sampling reduction or waiver may be terminated.

3. Infrequent Application – If industrial residuals are applied to a field only once in a three-year period, industrial residuals may be applied such that the total crop needs for nitrogen is not exceeded during a one-year crop rotation period including the production and harvesting of two crops in succession within a consecutive 12-month growing season.

The NMP shall account for all sources of nutrients applied to the site, including existing residuals from prior nutrient applications.

An infrequent application at full agronomic rate will be restricted to provide no more than 10% of the CPLR for cadmium and lead in Part I.A.1.b per application.

4. Depth to Bedrock or Restrictive Layers – Industrial residuals shall not be land applied where the depth from the ground surface to bedrock or restrictive layers is less than 18 inches.
5. Depth to Ground Water – Industrial residuals application shall not be made during times when the seasonal high water table of the soil is within 18 inches of the ground surface. If USDA-NRCS soil survey information regarding depth of seasonal water table is not available, the water table depth shall be determined by soil characteristics or water table observations. If the soil survey or such evidence indicates that the seasonal water table can be less than 18 inches below the average ground surface, soil borings shall be conducted within seven days prior to land application operations during periods of high water table for the soil series present to verify the actual water table depth. The use of soil borings and water table depth verification may

be required for such sites from November to May (during seasonal high water table elevations) of each year depending on soil type. Constructed channels (agricultural drainage ditches) may be utilized to remove surface water and lower the water table as necessary for crop production and site management.

6. pH Management

- a. Industrial Residuals Cadmium > 21 mg/kg – The pH of the industrial residuals and soil mixture shall be 6.0 or greater at the time of each industrial residuals application if the industrial residuals cadmium concentration is greater than or equal to 21 mg/kg. The soil pH must be properly tested and recorded prior to land application operations during which a pH change of one-half unit or more may occur within the zone of incorporation (i.e., use of industrial residuals containing lime or other alkaline additives at 10% or more of dry solid weight).
- b. Soil pH < 5.5 S.U. – When soil test pH is less than 5.5 S.U. the land shall be supplemented with lime at the recommended agronomic rate prior to or during industrial residuals application if the industrial residuals to be land applied have not been alkaline stabilized.

7. Soil Potassium < 38 ppm – When soil test potassium levels are less than 38 parts per million (Mehlich I analytical procedure or equivalent) the land shall be supplemented with potash at the recommended agronomic rate prior to or during industrial residuals application.

8. Equipment Calibration – Application equipment shall be routinely calibrated as described in the IRMP.

9. Liquid Industrial Residuals – Liquid industrial residuals shall not be applied at rates exceeding 14,000 gallons per acre, per application. Sufficient drying times shall be allowed between subsequent applications. Application vehicles shall be designed for use on agricultural land.

10. Grass Height – Pasture and hay fields shall be grazed or clipped prior to land application, such that forage height is approximately six inches at the time of industrial residuals application.

11. Uniform Application – Industrial residuals shall be applied such that uniform application is achieved. If application methods do not result in a uniform distribution of industrial residuals, additional operational methods shall be employed following application such as dragging with a pasture harrow, followed by clipping if required, to achieve a uniform distribution of the applied industrial residuals.

12. Odor Control by Incorporation – Surface incorporation may be required on cropland by DEQ to mitigate malodors when incorporation is practicable and compatible with a soil conservation plan or contract meeting the standards and specifications of the USDA-NRCS.

13. Slope Restrictions – Industrial residuals application timing and slope restrictions shall conform to criteria contained in regulations promulgated pursuant to § 10.1-104.2 of the Code of Virginia. Industrial residuals shall not be applied to site slopes exceeding 15%, except where a specific slope was identified in the IRMP and the slope has been approved by DEQ to receive industrial residuals.

14. Snow Covered Ground – Industrial residuals may only be applied to snow-covered ground if the snow cover does not exceed one inch and the snow and industrial residuals are incorporated within 24 hours of application. If snow melts during industrial residuals application, incorporation is not necessary.

15. Setbacks

- a. The land application of industrial residuals shall not occur within the following minimum setback distance requirements:

MINIMUM SETBACK DISTANCE REQUIREMENTS <sup>(1)</sup>	
Adjacent Feature	Minimum Setback Distance (Feet) to Land Application Area
Occupied dwelling	200 <sup>(2), (3), (4)</sup>
Odor sensitive receptors (without injection or same day incorporation)	400 <sup>(4)</sup>
Odor sensitive receptors (with injection or same day incorporation)	200
Property lines	100 <sup>(3), (5)</sup>
Property lines of publicly accessible sites <sup>(6)</sup>	200
Water supply wells or springs	100
Public water supply reservoirs	400
All segments of streams and tributaries designated as a Public Water Supply under the Board's Water Quality Standards	100
Surface waters without a vegetated buffer	100
Surface waters with a 35-foot vegetated buffer	35
Agricultural drainage ditches	10
All improved roadways	10
Rock outcrops	25
Open sinkholes	100
Limestone rock outcrops and closed sinkholes <sup>(7)</sup>	50
<p>(1) In cases where more than one setback distance is involved, the most restrictive distance governs.</p> <p>(2) The setback distance to occupied dwellings may be reduced or waived with the written consent of the occupant and landowner of the dwelling.</p> <p>(3) DEQ shall grant to any landowner or resident in the vicinity of a industrial residuals land application site an extended setback of up to 200 feet from their property line and up to 400 feet from their occupied dwelling upon request from their physician based on medical reasons. In order for an extended setback request to be granted, the request must be submitted to DEQ in writing on a form provided by DEQ. A request must be received by DEQ no later than 48 hours before land application commences on the field affected by the extended setback, and communicated by DEQ staff to the permittee no later than 24 hours before land application commences on the field affected by the extended setback. DEQ may extend a setback distance within 48 hours of land application if requested by the Virginia Department of Health in connection with the landowner or resident's physician.</p> <p>(4) Setback distances may be extended beyond 400 feet where an evaluation by the Virginia Department of Health determines that a setback in excess of 400 feet is necessary to prevent specific and immediate injury to the health of an individual.</p> <p>(5) The setback distance to property lines may be reduced or waived upon written consent of the landowner.</p> <p>(6) Publicly accessible sites are open to the general public and routinely accommodate pedestrians and include, but are not limited to, schools, churches, hospitals, parks, nature trails, businesses open to the public and sidewalks. Temporary structures, public roads or similar thoroughfares are not considered publicly accessible.</p> <p>(7) A closed sinkhole does not have an open conduit to groundwater. The setback from a closed sinkhole may be reduced or waived by DEQ upon evaluation by a professional soil scientist.</p>	

- b. Increased setback distances may be required based on site specific features, such as agricultural drainage features and site slopes.
- c. Waivers from adjacent property residents and landowners may only be used to reduce setback distances from occupied private residences and property lines. The setback from an odor sensitive receptor or a publicly accessible site may not be waived.
- d. Voluntary extensions of setback distances – If a permittee negotiates a voluntary agreement with a landowner or resident to extend setback distances or add other more restrictive criteria than required by this regulation, the permittee shall document the agreement in writing and provide the agreement to the DEQ-Piedmont Regional Office. Voluntary setback increases or other management criteria will not become an enforceable part of the land application permit unless the permittee modifies the IRMP to include the additional restriction.

## 16. Site Access Restrictions for Residuals Required to Meet Pathogen Reduction Standards

TIME RESTRICTIONS FOLLOWING COMPLETION OF INDUSTRIAL RESIDUALS APPLICATION ASSOCIATED WITH CLASS B PATHOGEN REDUCTION		
	Type of Application	
	Surface <sup>(1)</sup>	Injection or Incorporation <sup>(2)</sup>
Control of access to sites with high potential for public contact	12 months	12 months
Control of access to sites with low potential for public contact	30 days	30 days
Time lapse required before above ground food crops with harvested parts that touch the industrial residuals/soil mixture can be harvested	14 months	14 months
Time lapse before food crops with harvested parts below the land surface can be harvested	20 months	38 months
Harvesting food crops, feed crops and fiber crops	30 days	30 days
Harvesting feed crops for lactating dairy animals	60 days	60 days
Grazing by farm animals	30 days	30 days
Grazing by lactating dairy animals	60 days	60 days
Harvesting turf for placement on land with a high potential for public exposure or a lawn	12 months	12 months
(1) Remains on land surface for four months or longer prior to incorporation.		
(2) Remains on land surface for less than four months prior to incorporation.		

## 17. Forestland (Silviculture)

- The soil pH shall be managed at the natural soil pH for the types of trees growing in the area to which industrial residuals are to be applied;
- The soil test potassium level is not required to be at a minimum level at the time of industrial residuals application on silviculture sites;
- Industrial residuals application rates shall be in accordance with the IRMP, which shall include information provided by the Virginia Department of Forestry;
- High pressure spray shall not be utilized if public activity is occurring within 1,500 feet downwind of the application site;
- Industrial residuals application vehicles shall have adequate ground clearance to be suitable for silvicultural field use;
- Application scheduling included in the IRMP shall take into account rainfall and periods of freezing conditions; and
- Monitoring requirements shall be site specific and may include groundwater, surface water or soils, for frequent application sites.

## 18. CPLR Industrial Residuals

- Before bulk industrial residuals subject to the CPLRs in Part I.A.1.b are applied to the land, the person who proposes to apply the bulk industrial residuals shall contact DEQ to determine whether bulk industrial residuals subject to the CPLRs in 9VAC25-32-356 [Table 3] have been applied to the site since July 20, 1993.
  - If bulk industrial residuals subject to the CPLRs in 9VAC25-32-356 has not been applied to the site since July 20, 1993, the cumulative amount of each pollutant listed in Part I.A.1.b may be applied to the site, in accordance with the limits in Part I.A.1.b.
  - If bulk industrial residuals subject to the CPLRs in 9VAC25-32-356 has been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk industrial residuals since that date is known, the cumulative amount of each pollutant applied to the site shall be used to determine the additional amount of each pollutant that can be applied to the site in accordance with the limits in Part I.A.1.b.
  - If bulk industrial residuals subject to the CPLRs in 9VAC25-31-356 has been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk industrial residuals since that date is not known, no additional industrial residuals containing the pollutants listed in Part I.A.1.b shall be applied to the site.

- b. Any person who proposes to apply bulk industrial residuals subject to the CPLRs in Part I.A.1.b to the land shall provide written notice, prior to the initial application of bulk industrial residuals to the land application site by the applier, to DEQ and DEQ shall retain the notice. The notice shall include:
  - (1) The location, by either street address or latitude and longitude, of the land application site; and
  - (2) The name, address, telephone number of the permittee applying the bulk industrial residuals, and Virginia Pollution Abatement permit number.

#### H. OTHER SPECIAL CONDITIONS

1. Industrial Residuals Sources – Only industrial residuals from sources approved by the DEQ and identified in the IRMP may be land applied. All industrial residuals are to be applied and stored separately. There shall be no mixing of industrial residuals without prior approval of the DEQ-Piedmont Regional Office.
2. Land Application Sites – Industrial residuals shall be applied only at the sites identified in Attachment A.
3. In lieu of meeting the specific Vector Attraction Reduction requirements of 9 VAC 25-32440.D, industrial residuals not required to meet vector attraction requirements in Part I.A.1.d. shall be pretreated and stabilized to the maximum practical level prior to land application.

Industrial sludges shall be managed to minimize odors associated with land application as deemed necessary by the permittee. Odor control techniques may include aeration and/or treatment with odor-reducing materials prior to land application, subsurface injection or immediate incorporation during land application, or other appropriate means.

Upon written notification by DEQ, the use of such odor control techniques shall become mandatory for land application of the industrial sludges

4. Site Specific Application Rates – Site specific application rates shall not exceed the CPLR Limitations in Part I.A.1.b or the rates established in the NMP.
5. Landowner Consent –
  - a. The Permittee shall maintain valid landowner consent forms for all sites identified in Attachment A of this permit and prevent from improper concurrent use of the land application site. In order for a landowner consent form to be valid:
    - (1) It must be on *Form D, Part D-VI Land Application Agreement – Industrial residuals and Industrial Residuals*;
    - (2) The agreement must be signed using the current approved form at the time the form is signed. (The landowner agreement is *Part VI* of the *VPA Permit Application, Form D, Municipal Effluent and Industrial Residuals*; and
    - (3) The form must be complete, accurate and properly signed.
  - b. If upon the effective date of this permit any landowner agreement required by this permit is signed by the landowner on a form other than *Form D, Part D-VI Land Application Agreement – Industrial residuals and Industrial Residuals*, revision 9/14/2012, then within 60 days of the effective date, the permittee shall notify such landowner by certified letter of the requirement to sign and submit a new landowner agreement. The letter shall instruct the landowner to sign and return the new landowner agreement, and shall advise the landowner that the permittee's receipt of such new landowner agreement is required prior to any future application of industrial residuals to the landowner's property. Attached with the letter, the permittee shall include *Form D, Part D-VI Land Application Agreement – Biosolids and Industrial Residuals*, revision 9/14/2012, the instructions for completing the landowner agreement and a DEQ Fact Sheet.

After the effective date + 60 days, no industrial residuals shall be land applied to land application sites for which a *Form D, Part D-VI Land Application Agreement – Biosolids and Industrial Residuals*, revision 9/14/2012 has not been completed and signed.

If the current Landowner Agreement(s) held between the Permittee and the landowner(s) was signed using *Form D, Part D-VI Land Application Agreement – Biosolids and Industrial Residuals*, revision 9/14/2012 prior to the effective date, such notice does not need to be sent to that landowner(s).

- c. New landowner agreements using the most current form provided by the Board shall be submitted to DEQ for proposed land application sites identified in each application for modification of this permit to add land application sites.
  - d. In the event of change of landownership, the permittee is responsible for obtaining and maintaining valid landowner agreements prior to further land application. The updated landowner agreement must be submitted to DEQ prior to land application or on site at the time of land application.
6. Threatened and Endangered Species Protection – No person shall apply bulk industrial residuals to the land if it is likely to adversely affect a threatened or endangered species listed in 4VAC15-20-130 and § 4 of the Endangered Species Act (16 USC § 1533) or if the land application is likely to adversely affect its designated critical habitat.
7. Certified Land Applicator Requirement for Industrial Residuals Required to Meet Pathogen Reduction or VAR Requirements in Part I.A.
- a. The permittee shall ensure that no industrial residuals land application activities occur unless a Certified Land Applicator (9VAC25-32-690 – 760) is onsite at all times during such land application. Certified Land Applicators may be considered to be onsite if they are at the site permitted for land application and, if it is necessary to leave the site, they are available within 30 minutes to return to the site to verify and ensure that land application of industrial residuals is in compliance with the permit.
  - b. Certified Land Applicators shall possess the site-specific permit information necessary to conduct land application on the site in accordance with the issued permit and make available at the land application site proper identification, including their certificate number issued by DEQ.
  - c. The Certified Land Applicator shall maintain an operator field log to document at minimum:
    - (1) site location;
    - (2) arrival and departure times;
    - (3) inspectors or any visitors to the site;
    - (4) complaints received; and
    - (5) any unusual condition or event at the application site.The field log shall be available for inspection by DEQ.
  - d. The Certified Land Applicator(s) shall provide a signed statement(s) to be submitted with the monthly report in accordance with 9VAC25-32-690.A. The statement shall include:
    - (1) The name and certificate number of the Certified Land Applicators responsible for the application activity; and
    - (2) The following statement attesting that they were onsite at the times of the reported operations and that those operations were in compliance with the permit:

*I hereby confirm that I was onsite at the reported times of operations for which I was the Certified Land Applicator in charge. All land application activities and onsite operations conducted under VPA Permit # VPA0XXXX were in compliance with the permit [with the following exception(s):\_\_\_\_\_]. I attest that the above statement is true and valid to the best of my knowledge.*
8. The Board may modify or, alternatively, revoke and reissue this permit as appropriate and necessary to incorporate changes to any applicable standard or requirement for the use or disposal of industrial residuals, industrial wastewater sludge, or septage promulgated under Section 405(d) of the Clean Water Act, the State Water Control Law, or 9VAC 25-32-10, *et seq.*, of the Virginia Pollutant Abatement Permit Regulation.
9. All pollutant management activities covered under this permit shall maintain no point source discharge of pollutants to surface waters except in the case of a storm event greater than the 25-year, 24-hour storm. The operation of the facilities of the owner permitted herein shall not contravene the Water Quality Standards, as

adopted and amended by the Board, or any provision of the Water Control Law.

10. Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized.



CONDITIONS APPLICABLE TO ALL VPA PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures listed under Title 40 Code of Federal Regulations Part 136, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories except for the following:
  - a. Field sample testing and measurements performed at the site where the sample is taken, are not subject to the requirements of 1VAC30-45 or 1VAC30-46; and
  - b. Tests, analyses, measurements or monitoring, using protocols established pursuant to §10.1-104.2 to determine soil fertility, animal manure nutrient content, or plant tissue nutrient uptake for the purposes of nutrient management.

B. Records.

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The name of the individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The name of the individual(s) who performed the analyses;
  - e. The analytical techniques or methods used, with supporting information such as observations, readings, calculations and bench data; and
  - f. The results of such analyses.
2. The permittee shall retain records:
  - a. Of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years or in the case of activities regulated under Part IX of the Virginia Pollution Abatement Permit Regulation (9VAC25-32-10 et seq.), at least five years from the date of the sample, measurement, report or application. This period of retention may be extended by request of the Board at any time.
  - b. Related to biosolids data and information specified in agreements between generator, owner, agents, landowners and farmers. These records shall be described and maintained for a minimum period of five years or the duration of the permit or subsequent revisions if longer than five years.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after the monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

**Piedmont Regional Office  
4949-A Cox Road  
Glen Allen, VA 23060**

2. Monitoring results shall be reported on forms provided or specified by the Department.
3. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant more frequently than required by the permit using approved analytical methods, the permittee shall report the results of this monitoring on the monitoring report.
4. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant that is not required to be monitored by the permit, and uses approved analytical methods, the permittee shall report the results with the monitoring report.

5. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permittee. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as requested by the Board prior to commencing construction.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and

4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.
3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

**NOTE: The immediate (within 24 hours) reports required in Parts II G , H and I may be made to the Department's Regional Office at (804) 527-5020 (voice) or (804) 527-5106 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.**

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the design or operation of the pollutant management activity.
2. The permittee shall give at least 10 days advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part II K 1;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a

well field, superintendent, position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the State Water Control Law.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall be responsible for the proper operation and maintenance of all treatment works, systems and controls which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any pollutant management activity in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. Prohibition - Bypass means intentional diversion of waste streams from any portion of a treatment works. A bypass of the treatment works is prohibited except as provided herein.
2. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, he shall notify the Department promptly at least 10 days prior to the bypass. After considering its adverse effects the Board may approve an anticipated bypass if:
  - a. The bypass will be unavoidable to prevent loss of human life, personal injury, or severe property damage ("Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and
  - b. There are no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if bypass occurs during normal periods of equipment downtime or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.
3. Unplanned Bypass - If an unplanned bypass occurs, the permittee shall notify the Department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in paragraphs U 2 a and b and in light of the information reasonably available to the permittee at the time of the bypass.

V. Upset.

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance. In any enforcement proceedings a permittee shall have the burden of proof to establish the occurrence of any upset. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. That the permitted facility was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. That the 24-hour reporting requirements to the Department were met; and
4. That the permittee took all reasonable steps to minimize or correct any adverse impact on state waters resulting from noncompliance with the permit.

W. Inspection and Entry.

Upon presentation of credentials, any duly authorized agent of the Board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private and have access to records required by this permit;
2. Have access to, inspect and copy any records that must be kept as part of permit conditions;
3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and

4. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is involved in managing pollutants. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause upon the request of the permittee or interested persons, or upon the Board's initiative. If a permittee files a request for a permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the Board. This provision shall not be used to extend the expiration date of the effective VPA permit.

Y. Transfer of Permits.

1. Permits are not transferable to any person except after notice to the Department. The Board may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such other requirements as may be necessary. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to reflect the transfer or has been revoked and reissued to the new owner or operator.
2. As an alternative to transfers under Part II Y 1, this permit shall be automatically transferred to a new permittee if:
  - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
  - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The Board does not, within the 30-day time period, notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.